



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,762	02/19/2002	Wesley Adams	92807-010400	9415

33717 7590 03/16/2007
GREENBERG TRAURIG LLP
2450 COLORADO AVENUE, SUITE 400E
SANTA MONICA, CA 90404

EXAMINER

BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
----------	--------------

2176

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/081,762

Applicant(s)

ADAMS, WESLEY

Examiner

William L. Bashore

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-26 and 36-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-26 and 36-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: amendment filed 1/8/2007. The filing date of the instant application is **2/19/2002**.
2. Claims 9-26, 36-40 pending. Claims 27-31 have been canceled. Claims 9, 12, 22 are independent.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 9-11, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marotta et al. (hereinafter Marotta), U.S. Patent Application Publication No. US 2002/0169667 A1, with provisional filing date of March 13, 2001.**

In regard to independent claim 9, Marotta discloses an automated media content submission method for use in clearing network advertisements (i.e. checking media spot content) (Marotta Abstract; compare with claim 9 "*A method of checking content comprising:*").

Marotta discloses receiving an electronic package (a clearance job) containing various content, said job transmitted to a clearance organization, which in turn, is submitted to various organizations for review (Marotta paragraph [0012], [0013], [0014]; compare with claim 9 "*receiving an electronic package from a submitter, the electronic package containing at least one content item;*", and "*viewing a content item;*").

Marotta discloses an automated media content submission method for use in clearing network advertisements (i.e. checking media spot content).

Marotta discloses receiving an electronic package (a clearance job) containing various content, said job transmitted to a clearance organization, which in turn, is submitted to various organizations for review (Marotta paragraph [0012], [0013], [0014]).

Marotta discloses an organization entering a comment regarding a content item (Marotta paragraph [0030]). Marotta also discloses different associated organizations (Marotta paragraph [0035]), as well as at least two organizations “advertising standards departments”, and “legal users” (i.e. legal organizations) that need to add comments (or further comments) to a job (Marotta paragraph [0061] at top, and paragraph [0058], [0062]). The comments, attachments, etc. are delivered back to the network clearance department). It is noted that commercial television advertising spots are closely linked to legal departments (i.e. avoiding contract breaches from competing advertisers, use of jingles, logos, etc.).

Marotta discloses an advertising account containing Project B, in turn containing various clearance jobs associated with clearance of advertising spots (Marotta paragraph [0048]), each job having at least a title (or some form of identifier) assigned to each job, so that each job can be differentiated accordingly. Marotta also discloses metadata fields for organizational purposes, and for defining the content media involved (Marotta paragraph [0052], [0053]).

Marotta discloses a submission form (Marotta Figure 4).

Marotta does not specifically teach a “spot count”. However, Since Marotta’s invention deals with organization of media jobs into various accounts for clearance and review, etc., it would have been obvious to one of ordinary skill in the art at the time of the invention to include some form of user submitted count of the number of jobs submitted, providing Marotta the benefit of increased organization, so that all jobs can be accounted for and associated with a user accordingly.

Marotta discloses in section “Background Of Invention” (paragraph [0002]) that an “advertising clearance process ensures that the advertising spots...meet the standards imposed by the Agency’s Network

Art Unit: 2176

Clearance Department, the advertiser's Legal Counsel,...etc." (underlining added). This implies that "clearance" of a submission is granted pending approval from said departments/counsel, and also implies that various "checks" are made to ensure adherence to said standards. Since Marotta's invention involves clearance of submissions by various departments, said department(s) reviews (checks) said submissions accordingly (compare with "*checking*", and "*...as a checking process.*" see also Marotta paragraphs [0026], [0030]).

Marotta discloses an organization entering a comment regarding a content item (Marotta paragraph [0030]). Marotta also discloses different associated organizations (Marotta paragraph [0035]), as well as at least two organizations "advertising standards departments", and "legal users" (i.e. legal organizations) that need to add comments (or further comments) to a job (i.e. intended recipients) (Marotta paragraph [0061] at top, and paragraph [0058], [0062]). The comments, attachments, etc. are delivered back to the network clearance department (compare with claim 9 "*entering a comment on the comment item;*", "*collecting further comments from one or more entities;*", and "*transmitting the comments and the further comments to the submitter.*"). It is noted that commercial television advertising spots are closely linked to legal departments (i.e. avoiding contract breaches from competing advertisers, use of jingles, logos, etc.).

Marotta discloses adding comments and/or attachments to a submission (Marotta paragraph [0062]). Marotta also discloses that an Advertising standards department(s) and legal organization(s) can designate an order (submission), as b) Resubmitted order, or c) Preliminary Approval Requested order (video spot is not attached) (see Marotta paragraph [0061]). Item "c" equates to an incomplete user submission, whereby the submitter awaits a decision (said decision can include comments, etc.), to which said submitter, pursuant to approval and/or comment etc., can resubmit the order (item "b"), after changing the content by adding the video spot (compare with claim 9 "*...for selectively further action, such further action including at least one of changing the content or disregarding the content.*").

In regard to dependent claims 10, 11, Marotta discloses submitting a job to an "Advertising Standards Department, as well as legal organizations (Marotta paragraph [0030], [0061], [0062]). It is noted that

Art Unit: 2176

commercial television advertising spots are closely linked to legal departments (i.e. avoiding contract breaches from competing advertisers, use of jingles, logos, etc.).

In regard to dependent claim 39, Marotta teaches a master organization managing submissions and authenticating reviews accordingly (see at least Marotta Abstract, Figure 2).

5. **Claims 12-26, 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marotta, in view of Pasquali (hereinafter Pasquali), U.S. Patent No. 6,321,209 filed 2/18/1999, issued 11/20/2001.**

In regard to independent claim 12, Marotta discloses an automated media content submission method for use in clearing network advertisements (i.e. checking media spot content).

Marotta discloses receiving an electronic package (a clearance job) containing various content, said job transmitted to a clearance organization, which in turn, is submitted to various organizations for review (Marotta paragraph [0012], [0013], [0014]).

Marotta discloses an organization entering a comment regarding a content item (Marotta paragraph [0030]). Marotta also discloses different associated organizations (Marotta paragraph [0035]), as well as at least two organizations “advertising standards departments”, and “legal users” (i.e. legal organizations) that need to add comments (or further comments) to a job (Marotta paragraph [0061] at top, and paragraph [0058], [0062]). The comments, attachments, etc. are delivered back to the network clearance department). It is noted that commercial television advertising spots are closely linked to legal departments (i.e. avoiding contract breaches from competing advertisers, use of jingles, logos, etc.).

Marotta discloses an advertising account containing Project B, in turn containing various clearance jobs associated with clearance of advertising spots (Marotta paragraph [0048]), each job having at least a title (or some form of identifier) assigned to each job, so that each job can be differentiated accordingly. Marotta also

Art Unit: 2176

discloses metadata fields for organizational purposes, and for defining the content media involved (Marotta paragraph [0052], [0053]).

Marotta discloses a submission form (Marotta Figure 4).

Marotta does not specifically teach a “spot count”. However, Since Marotta’s invention deals with organization of media jobs into various accounts for clearance and review, etc., it would have been obvious to one of ordinary skill in the art at the time of the invention to include some form of user submitted count of the number of jobs submitted, providing Marotta the benefit of increased organization, so that all jobs can be accounted for and associated with a user accordingly.

Marotta discloses in section “Background Of Invention” (paragraph [0002]) that an “advertising clearance process ensures that the advertising spots...meet the standards imposed by the Agency’s Network Clearance Department, the advertiser’s Legal Counsel,...etc.” (underlining added). This implies that “clearance” of a submission is granted pending approval from said departments/counsel, and also implies that various “checks” are made to ensure adherence to said standards. Since Marotta’s invention involves clearance of submissions by various departments, said department(s) reviews (checks) said submissions accordingly (compare with “*checking*”, and “...as a *checking process*.” see also Marotta paragraphs [0026], [0030]).

Marotta teaches at Figure 2 “Brand X”, “Brand Y”, and “Advertising Account 2 (Project B)”, which can be reasonably interpreted as separate from Master Organization item 25. Since ads are submitted to said master organization, it is well within reason that an ad can be encoded into video, assigned an identifier (i.e. a title), and given a medium association (i.e. .mpg) outside of said master organization prior to submission. It is also well within reason that an ad submission will contain the ad spot, along with a count (number of files), and recipient(s) facilitating transmission. Marotta does not specifically teach that its ad spots are “sponsor” submitted/related. However, Pasquali teaches a method of presenting advertisement content utilizing a “sponsor” window for displaying sponsor related advertisements (originally submitted by said sponsor at some point) (Pasquali Figure 1 item 114, 116, column 5 line 66 to column 6 line 10, column 7 lines 52-64). It is noted that Pasquali’s invention provides a new way of generating advertising revenue which more closely resembles

Art Unit: 2176

television timed “spot” ads (Pasquali column 8 lines 14-23, see also column 6 lines 11-26). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Pasquali to Marotta, providing Marotta the benefit of ads submitted from sponsors, facilitating revenue accordingly.

In regard to dependent claims 13-21, Marotta teaches MPEG files, which is a form of digitized video file (Marotta paragraph [0058]).

Marotta teaches a file description, an ISCI code, and a plurality of job spots (Marotta paragraphs [0047], [0048], [0059]).

Marotta teaches completing/submitting a form (Marotta Figure 4, also paragraph [0052]).

Marotta teaches submission of a tape cassette (Marotta paragraph [0027]).

Marotta teaches that its invention can be used in the television broadcasting industry (i.e. television networks) (Marotta paragraph [0012]).

Marotta teaches returning feedback to a user (Marotta paragraph [0062]).

In regard to independent claim 22, Marotta discloses an automated media content submission method for use in clearing network advertisements (i.e. checking media spot content) (Marotta Abstract).

Marotta discloses receiving an electronic package (a clearance job) containing various content, said job transmitted to a clearance organization, which in turn, is submitted to various organizations for review (Marotta paragraph [0012], [0013], [0014]).

Marotta discloses an automated media content submission method for use in clearing network advertisements (i.e. checking media spot content).

Marotta discloses receiving an electronic package (a clearance job) containing various content, said job transmitted to a clearance organization, which in turn, is submitted to various organizations for review (Marotta paragraph [0012], [0013], [0014]).

Marotta discloses an organization entering a comment regarding a content item (Marotta paragraph [0030]). Marotta also discloses different associated organizations (Marotta paragraph [0035]), as well as at least two organizations “advertising standards departments”, and “legal users” (i.e. legal organizations) that need to add comments (or further comments) to a job (Marotta paragraph [0061] at top, and paragraph [0058], [0062]). The comments, attachments, etc. are delivered back to the network clearance department). It is noted that commercial television advertising spots are closely linked to legal departments (i.e. avoiding contract breaches from competing advertisers, use of jingles, logos, etc.).

Marotta discloses an advertising account containing Project B, in turn containing various clearance jobs associated with clearance of advertising spots (Marotta paragraph [0048]), each job having at least a title (or some form of identifier) assigned to each job, so that each job can be differentiated accordingly. Marotta also discloses metadata fields for organizational purposes, and for defining the content media involved (Marotta paragraph [0052], [0053]).

Marotta discloses a submission form (Marotta Figure 4).

Marotta does not specifically teach a “spot count”. However, Since Marotta’s invention deals with organization of media jobs into various accounts for clearance and review, etc., it would have been obvious to one of ordinary skill in the art at the time of the invention to include some form of user submitted count of the number of jobs submitted, providing Marotta the benefit of increased organization, so that all jobs can be accounted for and associated with a user accordingly.

Marotta discloses an organization entering a comment regarding a content item (Marotta paragraph [0030]). Marotta also discloses different associated organizations (Marotta paragraph [0035]), as well as at least two organizations “advertising standards departments”, and “legal users” (i.e. legal organizations) that need to add comments (or further comments) to a job (i.e. intended recipients) (Marotta paragraph [0061] at top, and paragraph [0058], [0062]). The comments, attachments, etc. are delivered back to the network clearance department. It is noted that commercial television advertising spots are closely linked to legal departments (i.e. avoiding contract breaches from competing advertisers, use of jingles, logos, etc.).

Marotta discloses in section "Background Of Invention" (paragraph [0002]) that an "advertising clearance process ensures that the advertising spots...meet the standards imposed by the Agency's Network Clearance Department, the advertiser's Legal Counsel,...etc." (underlining added). This implies that "clearance" of a submission is granted pending approval from said departments/counsel, and also implies that various "checks" are made to ensure adherence to said standards. Since Marotta's invention involves clearance of submissions by various departments, said department(s) reviews (checks) said submissions accordingly (see also Marotta paragraphs [0026], [0030]).

Marotta discloses adding comments and/or attachments to a submission (Marotta paragraph [0062]). Marotta also discloses that an Advertising standards department(s) and legal organization(s) can designate an order (submission), as b) Resubmitted order, or c) Preliminary Approval Requested order (video spot is not attached) (see Marotta paragraph [0061]). Item "c" equates to an incomplete user submission, whereby the submitter awaits a decision (said decision can include comments, etc.), to which said submitter, pursuant to approval and/or comment etc., can resubmit the order (item "b"), after changing the content by adding the video spot.

Marotta discloses a submission form (Marotta Figures 4-5), as well as information about a submission (Marotta paragraph [0058], [0059]).

Marotta teaches at Figure 2 "Brand X", "Brand Y", and "Advertising Account 2 (Project B)", which can be reasonably interpreted as separate from Master Organization item 25. Since ads are submitted to said master organization, it is well within reason that an ad can be encoded into video, assigned an identifier (i.e. a title), and given a medium association (i.e. .mpg) outside of said master organization prior to submission. It is also well within reason that an ad submission will contain the ad spot, along with a count (number of files), and recipient(s) facilitating transmission. Marotta does not specifically teach that its ad spots are "sponsor" submitted/related. However, Pasquali teaches a method of presenting advertisement content utilizing a "sponsor" window for displaying sponsor related advertisements (originally submitted by said sponsor at some point) (Pasquali Figure 1 item 114, 116, column 5 line 66 to column 6 line 10, column 7 lines 52-64). It is noted

Art Unit: 2176

that Pasquali's invention provides a new way of generating advertising revenue which more closely resembles television timed "spot" ads (Pasquali column 8 lines 14-23, see also column 6 lines 11-26). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Pasquali to Marotta, providing Marotta the benefit of ads submitted from sponsors, facilitating revenue accordingly.

In regard to dependent claims 23-26, Marotta discloses encoded files, advertisers, television companies, clearance providers (Marotta paragraph [0052], [0054], [0057], [0030], [0035]).

In regard to dependent claims 36, 37, Marotta teaches a master organization managing submissions and authenticating reviews accordingly (see at least Marotta Abstract, Figure 2).

In regard to dependent claim 38, incorporates substantially similar subject matter as claimed in claim 12, and is rejected along the same rationale.

6. **Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marotta, in view of Pasquali.**

In regard to dependent claim 40, Marotta teaches at Figure 2 "Brand X", "Brand Y", and "Advertising Account 2 (Project B)", which can be reasonably interpreted as separate from Master Organization item 25. Since ads are submitted to said master organization, it is well within reason that an ad can be encoded into video, assigned an identifier (i.e. a title), and given a medium association (i.e. .mpg) outside of said master organization prior to submission. It is also well within reason that an ad submission will contain the ad spot, along with a count (number of files), and recipient(s) facilitating transmission. Marotta does not specifically teach that its ad spots are "sponsor" submitted/related. However, Pasquali teaches a method of presenting

Art Unit: 2176

advertisement content utilizing a "sponsor" window for displaying sponsor related advertisements (originally submitted by said sponsor at some point) (Pasquali Figure 1 item 114, 116, column 5 line 66 to column 6 line 10, column 7 lines 52-64). It is noted that Pasquali's invention provides a new way of generating advertising revenue which more closely resembles television timed "spot" ads (Pasquali column 8 lines 14-23, see also column 6 lines 11-26). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Pasquali to Marotta, providing Marotta the benefit of ads submitted from sponsors, facilitating revenue accordingly.

Response to Arguments

7. Applicant's arguments filed 7/12/2006 have been fully and carefully considered but they are not persuasive.

Applicant argues on page 7 of the amendment that Marotta's Master Organization may, or may not encode, etc. The examiner respectfully disagrees. Since ads are submitted via a submission form, it is well within reason that a media ad is encoded, given a title, identifier, etc., and submitted with a recipient address with said submission form (so said ad can be transmitted/delivered accordingly). Marotta deals with clearance of network advertisements (i.e. TV ad spots) (see Marotta paragraph [0013]), which not only encompass "sponsors", but are typically submitted from outside (and separate from) a television organization.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this

Art Unit: 2176

final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


WILLIAM BASHORE
PRIMARY EXAMINER

March 14, 2007